

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, JULY 28, 2009 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

5:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Introductions
4. Study Session Presentation
 - a. Parliamentary Procedure
 - b. Options for Ending More Council Meetings by 10 p.m.
5. Council Comments and Questions of Staff
6. Public Comments
7. Adjourn Study Session

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER - Call to Order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

PRESENTATIONS

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of June 23, 2009
- 1.B. MOTION Approval of Council Meeting Minutes of July 14, 2009
- 1.C. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 09–192 No. 461 and 462

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

Personnel

- 1.E. MOTION Modification of Memoranda of Understanding: Sunnyvale Employees
RTC 09–203 Association and Public Safety Officers Association

Staff Recommendation: Alternative 1: Adopt the modification/supplement to the Memoranda of Understanding with the Sunnyvale Employees Association and the Public Safety Officers Association.

Staff Contact: Tammy Parkhurst, (408) 730-7498

Contracts: Sunnyvale Works!

- 1.F. MOTION Award of **SunnyvaleWorks!** Bid No. F0805-76 for the Refurbishment of
RTC 09–198 Water Tanks at Wright Avenue

Staff Recommendation: 1. Award a contract in the amount of \$1,233,153 to AA-1 Services, Inc., for Refurbishment of Water Tanks at Wright Avenue and authorize the city manager to execute the contract when all necessary conditions have been met; and 2. Approve a project contingency in the amount of \$123,315.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.G. MOTION Award of **SunnyvaleWorks!** Bid No. F0806-86 for the Public Safety
RTC 09–200 Building HVAC Equipment Replacement and Roofing Improvements

Staff Recommendation: 1. Award a contract in the amount of \$1,588,460, to Best Contracting Services, Inc., for Public Safety Building HVAC Replacement and Roofing Improvements and authorize the city manager to execute the contract when all necessary conditions have been met; and 2. Approve a project contingency in the amount of \$238,269.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.H MOTION Award of **Sunnyvale Works!** Contract for Design Services During
RTC 09-201 Construction for the Wolfe Road Overhead Bridge Rehabilitation Project

Staff Recommendation: 1. Award a contract in the amount of \$139,514 to HNTB Corporation and authorize the city manager to execute the contract when all necessary conditions have been met, 2. Approve a project contingency in the amount of \$13,952.
Staff Contact: Pete Gonda, (408) 730-7418

Other Items

- 1.I. ORDINANCE Adoption of Ordinance No. 2900-09 Awarding Nonexclusive Franchise
2900-09 to Jeffrey Browning and Amandeep Kaur, Owners of ACME Yellow LLC,
Doing Business as ACME Cab

Staff Recommendation: Approve the second reading of Ordinance No. 2900-09.
Staff Contact: David Kahn, City Attorney (408) 730-7464

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION 2008-0861 - Creation of Eichler Design Guidelines Continued from June
RTC 09-191 23, 2009 (Study Issue)

Staff Recommendation: Alternative 1: Adopt the Eichler Design Guidelines with the additional wording located in Attachment E, the additional privacy and solar policies for the Single Family Design Techniques as located on pages 6 and 7 of this report, and the modifications recommended by Planning Commission.
Staff Contact: Diana O'Dell, (408) 730-7257

3. MOTION 2008-1926 Heritage Resource Nomination for Fairorchard
RTC 09-175 Neighborhood which includes Rezoning to add a Heritage Housing
(HH) Combining District - Continued from May 12, 2009 (Study Issue)

Staff Recommendation: Rezone the Fairorchard neighborhood from R-1/S to R-1/S/HH and list it locally in the Heritage Resources Inventory as per the recommendation 2a in the previous RTC 09-117.

Staff Contact: Diana O'Dell, (408) 730-7257

4. MOTION Community Events Grant Funding Recommendations and Revision of
RTC 09-194 Evaluation Criteria

Staff Recommendation: Alternatives 1 and 3: Approve community events grant funding recommendations as proposed by staff and revised community event grant funding guidelines as outlined in Attachment E.

Staff Contact: Patricia Lord, (408) 730-7477

5. RESOLUTION Public Hearing for the Collection of Wastewater Charges for Property
RTC 09-197 Outside the City on the Fiscal Year 2009/2010 Property Tax Roll

Staff Recommendation: Alternative 1: Adopt the resolution approving the proposed assessments.

Staff Contact: Tim Kirby, (408) 730-2712

6. RESOLUTION Public Hearing to Cause Charges for Non-Payment of Utility Services to
RTC 09-199 be Placed on the FY 2009/2010 Tax Roll

Staff Recommendation: Adopt the resolution causing charges for non-payment of utility services to be placed on the FY 2009/2010 Property Tax Roll.

Staff Contact: Tim Kirby, (408) 730-2712

7. RESOLUTION Adoption of a Resolution Ordering the Formation of the Downtown
RTC 09-196 Parking Maintenance District, Confirming the Final Engineer's Report
and Levying an Assessment for Fiscal Year 2009-2010 and for Each
Fiscal Year Thereafter – Public Hearing

Staff Recommendation: Staff Recommendation is dependent upon tonight's tabulation of votes received from district property owners:

If a "support" vote: staff recommends Council adopt the resolution forming the Downtown Parking Maintenance District, confirm the final engineer's report and levy the assessment for Fiscal Year 09/10 and each year thereafter;

If an "oppose" vote: staff recommends Council direct staff to investigate a paid parking programs or other funding options.

Staff Contact: Judy Chu (408) 730-7413

8. MOTION Public Hearing, Landowner Election, and Approval of Amendment and
RESOLUTION Restatement of the Rate and Method of Apportionment of Special Tax
ORDINANCE and Changes to the Boundary Map for the City of Sunnyvale
RTC 09-190 Community Facilities District No. 1

Staff Recommendation: Approve the amendment and restatement of the rate and method of apportionment of special tax and changes to the boundary map for the City of Sunnyvale Community Facilities District No. 1 by adopting the following resolutions and ordinance set forth in Attachment A, B, C and D:

- Resolution Calling Special Election (Attachment A)
- Resolution Declaring Results of Special Election (Attachment B)
- Resolution of Change (Attachment C)
- Adoption of Ordinance Ordering Levy of Special Taxes (Attachment D)

Staff Contact Brice McQueen, (408) 730-7284

9. MOTION Consider Creation of a Distribution List Linking E-mail Addresses to
RTC 09-193 Geographic Mailing Address (Study Issue), Continued from May 12, 2009

Staff Recommendation: Staff recommends alternatives 3, 4 and 5:

3. Continue current staff efforts directed toward the implementation of systems whereby members of the public are able to subscribe, on a non-address-specific basis, to services notifying them of changes to Web site listings and other topic-based information items.
4. Create a single website identifying all possible online City transactions, as well as a link from that website to each individual website where online transactions can be made.
5. Direct the city manager to have staff continue to use its best judgment to determine the most efficient and cost-effective method to convey public notices, provided that specific noticing methods described in the Sunnyvale Municipal Code are adhered to.

Staff Contact: John Pilger, (408) 730-7476

10. COUNCIL Report by Ethics Subcommittee and Action Regarding Ethics Brochure
DISCUSSION and Candidate Debates for November 2009 Council Election

Recommendation: Discussion and possible action regarding Ethics Brochure and Candidate Debates for November 2009 Council Election.

Council Contact: Councilmember John Howe

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Heritage Preservation Commission Meeting of July 1, 2009
- Draft Minutes of the Board of Library Trustees Meeting of July 6, 2009
- RTC 09-195 Update on Environmental Sustainability Project (Information Only)

- RTC 09-202 Opportunity for Council to Appeal Decisions of the Planning Commission of July 13, 2009 and the Administrative Hearing of July 15, 2009
- Study Session Summary of July 14, 2009 – Parks of the Future Report

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication *"How to Make Your Council Chamber Presentation More Effective"* may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
Aug. 4, 2009	Council Meeting	6 p.m.	Council Chamber
Aug. 11, 2009	Council Meeting	7 p.m.	Council Chamber
Sept. 1, 2009	Council Meeting	7 p.m.	Council Chamber
Sept. 29, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 6, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 20, 2009	Council Meeting	7 p.m.	Council Chamber
Oct. 27, 2009	Council Meeting	7 p.m.	Council Chamber

OTHER SCHEDULED MEETINGS

July 22, 2009	Housing and Human Services Commission	7 p.m.	West Conference Rm
July 22, 2009	NOVA Workforce Board Meeting	12 pm	NOVA Board Rm
July 27, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
July 27, 2009	Planning Commission Public Hearing	7 p.m.	West Conference Rm
July 29, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Aug. 3, 2009	Board of Library Trustees	7 p.m.	Library Program Rm
Aug. 5, 2009	Heritage Preservation Commission (if needed)	7 p.m.	West Conference Rm
Aug. 10, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Aug. 10, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Aug. 12, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Aug. 12, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Aug. 19, 2009	Arts Commission	7 p.m.	Council Chamber
Aug. 17, 2009	Personnel Board	5 p.m.	Council Chamber
Aug. 20, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
Aug. 24, 2009	Planning Commission Study Session	7 p.m.	West Conference Rm
Aug. 24, 2009	Planning Commission Public Hearing	8 p.m.	Council Chamber
Aug. 26, 2009	Administrative Hearing	2 p.m.	West Conference Rm
Aug. 26, 2009	Housing & Human Services Commission	7 p.m.	West Conference Rm
Sept. 2, 2009	Heritage Preservation Commission	7 p.m.	West Conference Rm
Sept. 9, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Sept. 16, 2009	Arts Commission	7 p.m.	Council Chamber
Sept. 21, 2009	Personnel Board	5 p.m.	Council Chamber
Oct. 14, 2009	Parks and Recreation Commission	7 p.m.	Council Chamber
Oct. 19, 2009	Personnel Board	5 p.m.	Council Chamber

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

July 28, 2009	City Council Meeting - Live	7 p.m.
July 29, 2009	City Council Meeting - Replay of July 28, 2009	7 p.m.
Aug. 2, 2009	City Council Meeting - Replay of July 28, 2009	4 p.m.
Aug. 4, 2009	City Council Meeting – Live	7 p.m.
Aug. 5, 2009	City Council Meeting – Replay of August 4, 2009	7 p.m.
Aug. 9, 2009	City Council Meeting – Replay of August 4, 2009	4 p.m.
Aug. 11, 2009	City Council Meeting – Live	7 p.m.
Aug. 12, 2009	City Council Meeting – Replay of Aug. 11, 2009	7 p.m.
Aug. 16, 2009	City Council Meeting – Replay of Aug. 11. 2009	4 p.m.